

PROB 12C
(7/93)

Report Date: May 14, 2012

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 14 2012

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicholas Scott Ferryman

Case Number: 2:06CR02155-001 -AHW

Address of Offender: Richland, WA 99352

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 5/8/2007

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 37 Months; TSR - 38 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 11/23/2011

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 5/22/2014

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 4/10/2012.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

2 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Nicholas Ferryman is considered in violation of his term of supervised release in the Eastern District of Washington by committing the offense of negligent driving in the first degree, on or prior to May 8, 2012.

According to reports received from the Pasco Police Department, the defendant was contacted after an officer observed him traveling at 58 mph in a 35 mph zone. The defendant advised officers he was speeding as he had just been in an argument with his girlfriend. The defendant advised the officers he was on Federal supervision and asked if he could not be issued a speeding ticket as the incident might "send him back to prison."

3 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances and alcohol, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: Nicholas Ferryman is considered in violation of his term of supervised release in the Eastern District of Washington by using alcohol on or prior to May 8, 2012.

As noted above, the defendant was contacted by officers with the Pasco Police Department on May 8, 2012. Officers could smell the odor of alcohol coming from the defendant as they spoke with him. It was noted the defendant's eyes were bloodshot and watery. The defendant agreed to take a voluntary field sobriety test which he passed. He was asked if he would be willing to take a voluntary PBT test, but he refused. The defendant admitted to the officers he had ingested five to six beers prior to his driving the vehicle. He also admitted he knew it was a violation of his conditions to drink alcohol. The officers cited the defendant for negligent driving and directed him to "let his probation officer know about the case."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/11/2012

s/ David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Other

is

John Doe

Signature of Judicial Officer

5/14/2012

Date